

1 **STATE OF IOWA**
2 **BOARD OF EDUCATIONAL EXAMINERS**
3 **Grimes State Office Building – 400 East 14th Street**
4 **Des Moines, Iowa 50319-0147**

5
6 **Minutes**

7
8 **January 19, 2012**
9

10 The Board of Educational Examiners held its monthly meeting on January 19, 2012.
11 Board Vice-Chair, Laura Stevens, called the meeting to order. Members attending
12 were Julio Almanza, Dr. Jason Glass, Merle Johnson, Dr. Marianne Mickelson, Oscar
13 Ortiz, Carol Trueg and Richard Wortmann. Also in attendance was Dr. George
14 Maurer, Executive Director of the Board and Julie Bussanmas, Assistant Attorney
15 General. Dr. Bev Smith, Tammy Duehr, Dr. Larry Hill and Liz Sheka were unable to
16 attend.

17
18 Merle Johnson moved, with a second by Marianne Mickelson, to approve the agenda.
19 **MOTION CARRIED UNANIMOUSLY.**

20
21 Merle Johnson moved, with a second by Richard Wortmann, to approve the consent
22 agenda. **MOTION CARRIED UNANIMOUSLY.**

23
24 Julio Almanza moved, with a second by Oscar Ortiz, that the Board go into closed
25 session for the purposes of discussing whether to initiate licensee disciplinary
26 proceedings and discussing the decision to be rendered in a contested case, pursuant
27 to Iowa Code sections 21.5(1)(d) and 21.5(1)(f). Roll call vote: Almanza – yes; Glass –
28 yes; Johnson – yes; Mickelson – yes; Ortiz – yes; Stevens – yes; Trueg – yes; Wortmann
29 – yes. **MOTION CARRIED.**

30
31 Oscar Ortiz moved, with a second by Richard Wortmann, that in **case number 11-62**,
32 the Board find probable cause to establish a violation of the following provisions of the

1 Code of Professional Conduct and Ethics, 282 IAC 25.3(5) a (4), 25.3(6) l, m, r, and
2 order this case set for hearing. Roll call vote: Almanza – recused; Glass – yes;
3 Johnson – yes; Mickelson – yes; Ortiz – yes; Stevens – yes; Trueg – yes; Wortmann -
4 yes. **MOTION CARRIED.**

5
6 Julio Almanza moved, with a second by Richard Wortmann, that in case number 11-
7 68, the Board finds that the allegations primarily involve employment or personnel
8 issues, which are generally better resolved through direct interaction between the
9 licensee and the employer or through personnel or grievance procedures. The
10 investigation in this matter did not establish violations which appear to rise to the
11 level or unethical, discriminatory or harassing conduct necessary to support
12 disciplinary action by the Board. The Board will not pursue formal disciplinary action
13 in this matter. **MOTION CARRIED UNANIMOUSLY.**

14
15 Julio Almanza moved, with a second by Richard Wortmann, that in case number 11-
16 85, the Board finds that, although one or more of the allegations in the complaint may
17 be substantiated by the witnesses interviewed in the course of the investigation
18 [and/or] the documents gathered in the course of the investigation, and the allegations
19 may constitute a technical violation of the Board’s statute or administrative rules; the
20 evidence before the board indicates that adequate steps have been taken to remedy
21 the violation and to ensure that incidents of a similar nature do not occur in the
22 future. The Board will not pursue formal disciplinary action in this matter. **MOTION**
23 **CARRIED UNANIMOUSLY.**

24
25 Richard Wortmann moved, with a second by Oscar Ortiz, that in case number 11-86,
26 the Board find probable cause to establish a violation of the following provisions of the
27 Code of Professional Conduct and Ethics, 282 IAC 25.3(1)b (1)2, and order this case
28 set for hearing. Roll call vote: Almanza – yes; Glass – yes; Johnson – yes; Mickelson –
29 yes; Ortiz – yes; Stevens – yes; Trueg – recused; Wortmann - yes. **MOTION CARRIED.**

30
31 Oscar Ortiz moved, with a second by Julio Almanza, that in case number 11-87, the
32 Board finds that the evidence gathered in the investigation, including witness

1 statements and the documentary evidence, does not substantiate the allegations in the
2 complaint, and that the Board therefore lacks probable cause to proceed with this
3 matter. **MOTION CARRIED UNANIMOUSLY.**

4
5 Oscar Ortiz moved, with a second by Richard Wortmann, that in case number 11-88,
6 the Board finds that, the evidence gathered in the investigation, including witness
7 statements and the documentary evidence, does not substantiate the allegations in the
8 complaint, and that the Board therefore lacks probable cause to proceed with this
9 matter. **MOTION CARRIED UNANIMOUSLY.**

10
11 Oscar Ortiz moved, with a second by Julio Almanza, that in case number 11-90,
12 the Board find probable cause to establish a violation of the following provisions of the
13 Code of Professional Conduct and Ethics, 282 IAC 25.3(1)b(2), and order this case set
14 for hearing. **MOTION CARRIED UNANIMOUSLY.**

15
16 Julio Almanza moved, with a second by Oscar Ortiz, that in case number 11-91,
17 the Board find probable cause to establish a violation of the following provisions of the
18 Code of Professional Conduct and Ethics, 282 IAC 25.3(1)b(1) and order this case set
19 for hearing. **MOTION CARRIED UNANIMOUSLY.**

20
21 Richard Wortmann moved, with a second by Oscar Ortiz, that in case number 11-89,
22 the Board accept the Respondent's waiver of hearing and voluntary surrender and
23 that the Board issue an order permanently revoking the Respondent's license with no
24 possibility of reinstatement. **MOTION CARRIED UNANIMOUSLY.**

25
26 Richard Wortmann moved, with a second by Julio Almanza, to extend the 180-day
27 deadline for issuance of the final decision in case numbers 11-61, 11-65, 11-71 and
28 11-76, based upon the extraordinary amount of time needed to complete the
29 investigation, schedule the hearing, allow review of the proposed decision, and issue a
30 final decision. **MOTION CARRIED UNANIMOUSLY.** (Julie Bussanmas, Assistant
31 Attorney General, left the room and was not present during the discussion of these
32 cases.)

1 Richard Wortmann moved, with a second by Oscar Ortiz, to extend the 180-day
2 deadline for issuance of the final decision in **case number 11-62**, based upon the
3 extraordinary amount of time needed to complete the investigation, schedule the
4 hearing, allow review of the proposed decision, and issue a final decision. Roll call
5 vote: Almanza – recused; Glass – yes; Johnson – yes; Mickelson – yes; Ortiz – yes;
6 Stevens – yes; Trueg – yes; Wortmann – yes. **MOTION CARRIED.** (Julie Bussanmas,
7 Assistant Attorney General, left the room and was not present during the discussion of
8 this case.)

9
10 Oscar Ortiz moved, with a second by Julio Almanza, to approve the closed session
11 minutes of November 18, 2011. **MOTION CARRIED UNANIMOUSLY.**

12
13 **Board Reports:**

14 Oscar Ortiz indicated he had some teachers in his school renew their licenses both
15 online and through the mail and the feedback with positive – the system works.

16
17 **Public Comment:**

18 There was no public comment.

19
20 **Executive Director's Report:**

21 Dr. Maurer reviewed the financial report.

22
23 Dr. Maurer informed the Board that the two new consultants, Joanne Tubbs and
24 Steve Mitchell, began within the last couple of weeks. We have one consultant
25 position currently vacant and are looking to fill it within the coming months.

26
27 Dr. Maurer updated the Board regarding the pay grade review for the executive
28 director position. It was rejected by DAS and will remain at the current pay grade 40.

29
30 The posting for the executive director position is currently on the Department of
31 Education website and has appeared in other publications including The Des Moines
32 Register and Education Week.

1 **Rules:**

2 None.

3
4 **Items for Discussion:**

5 The definition of a student was discussed. After researching the definition of students
6 in other states it was determined that most states don't even have as solid a definition
7 as our criminal code provides. Most states focus on the actions that took place leading
8 up to the sexual relationship (grooming) in order to take licensure action. This item
9 will return for further discussion at the March meeting.

10
11 **Petitions for Waiver:**

12 Carol Trueg moved, with a second by Marianne Mickelson, that in **PFW 11-26**, David
13 Pickering, the Board grant the Petition for Waiver. Reasons for granting: The Board
14 has granted waivers for petitioners who have completed baccalaureate degrees from
15 colleges that have another type of accreditation than regional accreditation. Mr.
16 Pickering stated that he is a disabled veteran who completed this degree program after
17 retiring from the United States Guard. The Veterans' Administration recognized
18 Columbia Southern University. The Board agreed that the public health, safety, and
19 welfare will not be substantially compromised or placed at risk as a result of the
20 Board's granting of a waiver in this case. The integrity of the licensure standards are
21 upheld because Mr. Pickering has verified his baccalaureate degree is an accredited
22 degree. **MOTION CARRIED UNANIMOUSLY.**

23
24 Merle Johnson moved, with a second by Jason Glass, that in **PFW 12-01**, Arthur Tate,
25 the Board grant the Petition for Waiver. Reasons for granting: The Board accepted
26 that the Director of Exceptional Education (Special Education Director) reports directly
27 to Mr. Tate. They meet concerning special education issues. Mr. Tate also attends the
28 training for special education professionals to keep up to date on issues. This timely
29 information would be beneficial and make the course work requirement moot. The
30 Board stated that since Mr. Tate had fifteen years as a superintendent in four states
31 and was the director of special education for one year in New Hampshire that this
32 experience would be beneficial to the students and school district. The Board agreed
33 that the public health, safety, and welfare will not be substantially compromised or

1 placed at risk as a result of the Board's granting of a waiver in this case. The integrity
2 of the licensure standards are upheld because Mr. Tate has verified his experiences
3 have provided him with knowledge and understanding of special education issues.
4 Roll call vote: Almanza – recused; Glass – yes; Johnson – yes; Mickelson – yes; Ortiz –
5 yes; Stevens – yes; Trueg – yes; Wortmann – yes. **MOTION CARRIED.**

6
7 Marianne Mickelson moved, with a second by Julio Almanza, that in **PFW 12-03**,
8 Kathi Berry, the Board grant the Petition for Waiver. Reasons for granting: The Board
9 reviewed the information on Barclay College. The college is accredited by the
10 Association for Biblical Higher Education which is a national accrediting agency. The
11 Board has granted waivers for petitioners who have completed baccalaureate degrees
12 from colleges that have another type of accreditation than regional accreditation. The
13 Board agreed that the public health, safety, and welfare will not be substantially
14 compromised or placed at risk as a result of the Board's granting of a waiver in this
15 case. The integrity of the licensure standards are upheld because Ms. Berry has
16 verified her baccalaureate degree is an accredited degree. **MOTION CARRIED**
17 **UNANIMOUSLY.**

18 19 **Reports/Approvals**

20 Legislative Reception Review: The Legislative Reception was this morning, Thursday,
21 January 19, 2012, 7:30-9:00 a.m. The Board reflected on the reception as to what
22 worked and what can be done to improve it for next year. The advertising and food
23 was sufficient and the Board preferred being located in the rotunda (more exposure).
24 A recommendation was made to try and find out which legislators attended. Next year
25 the Board Members could have a list of the legislators and check-off who they talked
26 with.

27
28 Legislative Update: Beth Myers provided the Board with an update. Director Glass
29 also updated the Board on current legislation.

30
31 Technology Update: Jeff DeBruin, IT Specialist, updated the Board on the redesign of
32 the BoEE website. The goal of the redesign is to reorganize and make it easier to

1 navigate. We will also have a searchable database of Board actions which should be
2 available soon. We are looking into replacing our current BLIP and VI systems
3 (licensing and visual imaging systems). AMANDA is the established/chosen
4 Enterprise System in the State of Iowa. Dr. Maurer will continue to update the Board
5 since the upgrade will be an expense out of this fiscal year's budget.

6
7 Executive Director Interview Questions:

8 At the November meeting the Board suggested that the questions be placed on Google
9 Docs for input/review. Due to security purposes, and the fact that once the questions
10 are given to the entire Board, they become public record. Given this is a personnel
11 issue and we hiring someone, we don't want applicants to have access to the questions
12 prior to the interviews. Therefore, the Executive Committee reviewed the executive
13 director interview questions. The final questions will be submitted to Ray and
14 Associates.

15
16 Highly Qualified Teacher and Teacher of Record: Mike Cavin, BoEE Consultant,
17 shared information with the Board regarding the definition and legal HQT
18 requirements.

19
20 Board Orientation in June: In the past, two days have been scheduled in June--one
21 day for new board member orientation and one day for the board meeting. Since we
22 will have no new board members it is not necessary to meet on Thursday, June 21,
23 2012. The Board will meet only on Friday, June 22, 2012, for a regular board
24 meeting. Richard Wortmann moved, with a second by Carol Trueg, to amend the
25 board meeting calendar for FY 2012. **MOTION CARRIED UNANIMOUSLY.**

26
27 The Board also suggested having a retirement dinner for Dr. Maurer on the evening of
28 Thursday, June 21, since Dr. Maurer is retiring on June 30, 2012.

29
30 Waiver Process: Susan Fischer, BoEE Consultant, reviewed the procedural changes
31 regarding the waiver process. The updated Petition for a Waiver Checklist and Petition
32 for Waiver form were distributed to the board. The updated documents are also
33 posted on the website.

1 There being no further business, Laura Stevens asked for a motion to adjourn the
2 meeting. Merle Johnson moved, with a second by Marianne Mickelson to adjourn the
3 meeting. **MOTION CARRIED UNANIMOUSLY.** The meeting was adjourned at 1:05
4 p.m.